

Bylaws of the **Developmental Disabilities Community Council**  
of the Sedgwick County Community Developmental Disability Organization (CDDO)  
Organized Pursuant to K.A.R. 30-64-22(a)(3).

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## PURPOSE

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The purpose of the **DEVELOPMENTAL DISABILITIES COMMUNITY COUNCIL** (Hereinafter referred to as Council) is to express opinions and make suggestions and recommendations to the governing board of the Community Developmental Disability Organization (hereinafter referred to as CDDO), which is the Board of County Commissioners of Sedgwick County, and its designee the Physical and Developmental Disability Advisory Board (hereinafter referred to as P&DD Advisory Board), concerning any services issue, including, but not limited to:

- A. the types of services being offered by the various providers within the service area;
- B. the manner in which those services are being provided;
- C. and oversight of the functions of the CDDO Quality Assurance Committee as required by the provisions of K.A.R. 30-64-27.

Further, the Council, under the authority of the governing body and its appointed P&DD Advisory Board, shall develop and implement dispute resolution procedures required by the provisions of K.A.R. 30-64-32.

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## Article 1: OFFICES

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The principal office of the Council shall be in Sedgwick County, Kansas. Correspondence may be sent to the attention of the **COMMUNITY DEVELOPMENTAL DISABILITIES COMMUNITY COUNCIL** in care of CDDO. Such offices are currently located at: COMCARE of Sedgwick County, 635 N. Main, Wichita, Kansas 67203.

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## Article 2: MEMBERS

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### Section 1: Membership

Cultural and economic diversity in the membership will be encouraged. Members of the Council shall be:

1. **Provider Representatives** will be appointed from incorporated CDDO-affiliated Community Service Providers who are licensed by Mental Health & Developmental Disabilities Services, affiliated Intermediate Care Facilities-MR, and affiliated Community Service Providers not licensed by HCP, but who serve more than fifty (50) persons with developmental disabilities. Each Community Service Provider and Intermediate Care Facility-MR which meet the above definition may have no more than one appointed representative and one alternate. These representatives shall comprise no more than forty-nine percent (49%) of the total membership.
2. An electorate comprised of persons who qualify to be consumer representatives will elect **Consumer Representatives**. Consumer Representatives shall be persons with developmental disabilities as defined under L. 1995, Chap. 234 or an adult family member/guardian of such persons. Consumer Representatives shall comprise no less than fifty-one percent (51%) of the total Council membership.

Consumer Representatives shall be:

- Persons being served by an affiliated provider of the area CDDO; or
- Adult family member of persons being served; or
- Legal guardian of persons being served.

Consumer Representatives must not also be:

- An employee, independent contractor, or paid consultant to any affiliate provider or CDDO; or
- A member of the governing board of any affiliate provider or CDDO.

Consumer Representatives may be:

- Members of a CDDO affiliate provider advisory board; or
- A participant of a CDDO affiliate provider quality committee; or
- A participant of a CDDO affiliate provider program assessment group; or
- A service provider to his/her child or ward only.

Among Consumer Representatives, approximately fifty percent (50%) shall be adults, 18 years of age or older, who qualify as a person with developmental disabilities and approximately fifty (50%) percent shall be adult family members and/or guardians of persons with disabilities.

Among those representatives who are adult family members and/or guardians of persons with disabilities, every effort will be made to ensure equal representation of all consumer groups including parents/guardians of early childhood aged children (newborn to five years), parents/guardians of school aged children (six years to seventeen years) and parents/guardian of adult children (eighteen or older).

## **Section 2.: Method of Consumer Representative Elections**

A nomination form will be produced by the CDDO and distributed to provider agencies, public schools, guardians and adults listed in BASIS and by public service announcement in September of each election year. Efforts will be made by the CDDO to distribute the nomination form to groups and areas targeted for minority representation. Nomination forms will be available in alternative formats. The CDDO will verify that the nominees and voters meet the definition of consumer and/or adult family member/guardian. An election ballot will be created by the CDDO. Election ballots will be mailed during the month of October of each election year. Consumers will have two weeks to return ballots to the CDDO. The qualified electorate shall be instructed to vote for nominees in all Consumer Representative categories.

Consumer Representatives will be placed on the Council in the order of most votes received. The names and number of votes each nominee receives will be maintained to allow for replacement of members based on most votes received. Consumer replacements will be made based on the consumer from the vacant category whom has the next highest number of votes received during the annual election. Should no nominees be available in a category, the nominating committee will make recommendations to the Council for vacant seats. These recommendations may include holding an election, appointing individuals recruited through general notices, or any other means approved by the Council.

## **Section 3: Resolution of Ties in Election Results**

In the event that more than one nominee in any election receives the same number of votes for the same position, nominees shall participate in a single flip of the coin process moderated by the CDDO for the purpose of determining who serves the Council term in question.

#### Section 4: Appointment of Community Service Provider Representatives

Appointment of Community Service Provider Representatives shall occur annually. The date for determining which agencies qualify for representation upon the Council is August 1 of each year. Qualified provider agencies shall be those agencies that are licensed by SRS/HCP, agencies who are not licensed by SRS/HCP but serve at least fifty (50) individuals with developmental disabilities and are affiliated with the CDDO on August 1 of each year. These providers shall be notified of the opportunity to make an appointment to the Council by August 15 of each year. Interested qualified provider agencies must make their appointment known in writing to the CDDO by September 1 of each year.

The Nominating Committee will confirm appointment of one representative and one alternate from each agency requesting representation that meets the requirements for membership as outlined in Article 1.

The appointment of agency representatives for the subsequent year shall occur prior to the fall meeting of the Council so that the representatives appointed to the Council shall be announced to the membership as a whole, and so consumers shall be informed of the number of Consumer Representatives to be elected at the subsequent election.

#### Section 5: Appointment of Other Community Representatives

The Council has discretion to appoint other community representatives as deemed necessary and appropriate to carry out the functions of the Council.

#### Section 6: Term Limits For Members

Representatives of the Council shall not serve more than two consecutive three-year terms. Members serving an initial membership period of less than three years shall be eligible for election to serve two consecutive three-year memberships subsequent to their initial membership period.

#### Section 7: Number of Members

The number of members of the Council shall be fluid. The number of Provider Representatives shall always determine total membership, which shall be no more than forty-nine percent (49%) of the total membership.

#### Section 8: Meetings

Regular meetings will be held four times per year. One meeting will occur in the spring, one meeting in the summer, one meeting in the fall, and one meeting in the winter. The Executive Committee will determine the exact dates for each meeting. Meetings shall be conducted using Roberts Rules of Order or other standardized parliamentary procedure. All meetings of the Council as a whole shall comply with the Kansas Open Meetings Act and amendments thereof.

#### Section 9: Special Meetings

The Executive Committee may call special meetings of the Council as a whole provided that ten days notice of such meeting is given to each member prior to such meeting. Notice may be made by regular mail, fax transmission, or telephone.

#### Section 10: Accommodations

All meetings will be held at a handicapped accessible location as announced to the members. Transportation or reimbursement of transportation and reimbursement for childcare will be provided to elected Consumer Representatives by the CDDO. Reasonable accommodations shall be arranged for by the CDDO as requested by any Council member.

#### Section 11: Notice of Meeting

Notice of regular and special meetings of the Council as a whole shall be communicated by regular mail, fax transmission, or telephone using the last address and/or telephone numbers that each member provided to the Secretary of the Council at least ten days prior to the date of the meeting. Failure of a member to receive notice does not constitute failure of the Secretary to provide notice. Notice is complete upon mailing.

#### Section 12: Quorum

A quorum shall consist of at least one representative more than one-half of the voting membership with at least 51% consumer representation present. Except for voting to reschedule a meeting at which a quorum of members was not present, no action may be taken without prior approval by a quorum of the membership.

#### Section 13: Proxies

Only recognized members of the Council are allowed to vote. Community Service Providers are allowed only one vote from either the appointed member or alternate. When a vote is announced in advance, any member may vote by written and notarized proxy. Proxy votes do not count as members present at the meeting for purposes of determining attendance or quorum.

#### Section 14: Attendance at Meetings

Attendance at all regular meetings is expected. If a member is unable to attend, he or she is expected to contact the CDDO prior to the meeting. One absence, as defined as a "no call/no show," per year is permitted to each member. For purposes of attendance, the Community Council Provider Representative and alternate will count as one member. If both are absent as defined as a "no call/no show," that absence is counted as one absence for that agency. Following a second absence, as defined as a "no call/no show," the member/agency automatically loses his/her membership in the Council.

The Targeted Case Manager is responsible for coordinating the transportation to the meetings for the primary consumer representatives.

#### Section 15: Forfeiture of Membership

Consumer Representatives who move from Sedgwick County forfeit membership in the Council, except that an adult family member/guardian Consumer Representative may live outside Sedgwick County if the person represented continues to meet the qualifications of being served in Sedgwick County.

If a Provider Representative voluntarily or involuntarily rescinds or loses membership, the designated alternate for that agency is expected to replace the member for the remainder of the agency's term. Agencies that lose CDDO affiliate status lose membership in the Council.

Consumer Representative replacements shall be made based on the consumer nominee with the next highest number of votes received in the annual election process. Consumer Representatives shall only serve the remaining term of the person they replace. Subsequent terms are subject to the election process. Provider Representative replacements shall be made by the qualified CDDO-affiliated agency.

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## **Article 3: OFFICERS**

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### **Section 1: Term of Office**

All Officers are elected for a one-year term. Any Council member may be elected for consecutive terms as an Officer as long as their term as a Council member is active for the duration of the Officer term. After the term or terms of office expire, a board member shall complete their term as member of the board at large.

### **Section 2: Officers and Duties**

**Chairperson** shall be elected by vote of the membership as a whole at the first regular meeting following election of Consumer Representative members. Chairperson shall serve a one-year term beginning immediately following the meeting at which he/she was elected. Such term will end at the conclusion of the meeting at which a successive Chairperson is elected by the Council as a whole regardless of when the Chairperson's membership on the Council ends. Chairperson shall have the following duties:

1. Chair and be a voting member of the Executive Committee.
2. Vote on any and all issues placed before membership as a whole as long as he/she remains a member of the Community Council.
3. Conduct regular meetings of the Council in a manner that does not conflict with the Council's Bylaws.
4. Serve as an ex-officio member of all standing and appointed committees.
5. Establish that a legal quorum exists for conducting business at each regular or special meeting of the Council as a whole immediately after calling the meeting to order.

**Vice-Chair** shall be elected in the same manner as the Chairperson and shall have the following duties:

1. Serve as a member of the Executive Committee.
2. Chair the Nomination Committee.
3. Fulfill the duties of the Chairperson when the Chairperson so requests, when the Chairperson is unable to perform those duties, or if the Chairperson resigns from that position.

**Secretary** shall be elected in the same manner as the Chairperson and shall have the following duties:

1. Serve as a member of the Executive Committee.
2. Notify the membership of all regular and special meetings of the membership as a whole.
3. Take attendance at each meeting and bring to the attention of the Executive Committee any member's second absence from a regular or special meeting prior to the next regular meeting.
4. Record minutes or make arrangements to record minutes at each regular or special meeting of the Council as a whole and present those minutes for approval to the membership at the next scheduled regular meeting.

### **Section 3: Removal**

Removal of Officers and Committee Chairpersons appointed by the Chairperson of the Council shall be initiated by a vote of the Executive Committee. Such vote must be ratified by the membership as a whole at the next regular meeting of the Council.

### **Section 4: Vacancies**

Vacancies for all Officers, except the Chairperson, may be filled by appointment of the Executive Committee. Such vacancies shall be filled by election of the membership as a whole at the next regularly scheduled election.

### **Section 4: Salaries**

No remuneration shall be given for work done in the performance of the duties of any office of this organization.

### **Section 5: Delegation of Duties**

Officers may delegate their duties to another member of the Executive Committee as need requires.

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## **Article 4: COMMITTEES**

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### **Section 1: Executive Committee**

The Executive Committee shall consist of the Chairperson, Vice-Chair, Secretary, and two at large members elected by the membership as a whole. One at large member shall be a Provider Representative, and the other at large member shall be a Consumer Representative. The Executive Committee shall meet prior to every regular or special meeting of the Community Council to conduct the following business:

1. Establish the agenda for the next meeting.
2. Establish the date, time, and place for each regular and special meeting.
3. Authorize notice to be sent to any member dismissed from the Council for failure to attend to meetings during any year.
4. Conduct such business as is deemed necessary.

No action taken by the Executive Committee not previously approved by the membership at a regular or special meeting of the Council shall be binding on the Council, except acts specified in Article 4 of these bylaws.

### **Section 2: Creation of Committees**

Committees may be appointed by the Chairperson at a regular or special meeting of the Council from members volunteering to serve on such committees. The Chairperson shall designate the committee chair of all appointed committees. Non-members may participate in committee functions with the approval of the Chairperson of the Council. All subcommittee decisions are subject to full Council approval. For time sensitive issues the Executive Committee may approve subcommittee decisions. These decisions will be reviewed by the full Council at the next scheduled meeting.

### Section 3: Standing Committees And Duties

The **Nomination Committee** shall have the following duties:

1. Notify provider agencies of Council openings and confirm appointments of provider agency representatives according to timetables set forth by the Council bylaws.
2. Conduct the Consumer nomination and election process according to time tables set forth by the Council bylaws.
3. Fill vacancies on the Council according to provisions set forth by the Council bylaws.
4. Establish and oversee orientation of new members.

The **Planning Committee** shall have the following duties:

1. Facilitate an annual process, which assesses Developmental Disability service needs and gains stakeholder input regarding improvement of services.
2. Develop an annual calendar of planning events to be approved by the Council. The calendar must allow for approval of a plan by the P&DD Advisory Board by late February or early March of each year and approval of the plan by the Board of County Commissioners by March of each year. The plan shall be submitted to SRS by April of each year.
3. Work in cooperation with the CDDO to create an annual area service plan. The plan includes demographics of persons being served, all dates required by SRS, waiting and planning lists, and service components.
4. Provide logistical support to accomplish the duties listed above.

The **Dispute Resolution Committee** shall conduct dispute resolution activities according to Council bylaws in accordance with CDDO Policies & Procedures as approved by the Council. The Dispute Resolution Committee shall have no more than five members, three of which shall be Consumer Representatives. A pool of Consumer Representatives who wish to serve on this committee will be maintained. When the committee is constituted, three Consumer Representatives from this pool will participate on a rotating basis.

The Dispute Resolution Committee will not meet until a dispute is officially forwarded to the Council from the CDDO. All such issues will first be managed for the purpose of resolution by the CDDO. If such efforts are unsuccessful, the Council Dispute Resolution Committee shall conduct the following process:

1. A written appeal of the CDDO resolution must be forwarded to the Council Chairperson by the party seeking resolution within thirty (30) days of the CDDO resolution.
2. The Dispute Resolution Committee must convene and respond to the dispute within ten (10) working days following receipt of the appeal.
3. The Dispute Resolution Committee must render a written decision, supported by a majority vote of the Dispute Resolution Committee, regarding the dispute within fifteen (15) working days following the initial written appeal.

The parties involved in a dispute resolution process may request a hearing before the Dispute Resolution Committee. The Dispute Resolution Committee may grant such a request. The Dispute Resolution Committee may also, at its discretion, ask parties to appear before the Dispute Resolution Committee and state their cases.

All Dispute Resolution Committee members must sign a confidentiality statement at the time of appointment.

All Dispute Resolution Committee decisions are considered to be the resolution decision of the Council and shall not be ratified or modified by action of the full Council.



Chairpersons of standing committees shall be elected for a one-year term by the membership as a whole at the first regular meeting of each year. If such Chairperson is unable to serve out his/her term the committee members may elect a replacement under the guidance of the Chairperson. Members of standing committees shall be appointed by the Council Chairperson to serve a three-year term.

#### **Section 4: Committee Meetings**

The committee chairpersons shall call meetings of committees. Notice of such meetings should be adequate but need not be ten days prior to such meetings.

#### **Section 5: Committee Vacancies**

The Council Chairperson shall fill vacancies on a standing committee.

#### **Section 6: Committee Quorum**

Quorum vote at a committee meeting shall require a simple majority.

#### **Section 7: Committee Recommendations**

Recommendations of committees shall be reported to the membership of the Council by committee chairpersons. Such reports shall be limited to five minutes unless prior approval of the Executive Committee is given.

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### **Article 5: FISCAL YEAR**

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The fiscal year for the Council shall be from July 1 to June 30.

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### **Article 6: AMENDMENTS**

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These Bylaws may be altered, amended, repealed, or replaced and new Bylaws may be adopted by the Membership of the Council. Such alteration, amendment, repeal, or replacement shall require a two-thirds vote of the entire membership of the Council in favor of such action.